

6.



UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

6

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/334,327 06/16/99 PERKINS

A

| |
|----------|
| EXAMINER |
|----------|

TM02/0522

STEPHEN E FELDMAN P C
12 EAST 41ST STREET
NEW YORK NY 10017

| | |
|----------|--------------|
| PARDO, T | |
| ART UNIT | PAPER NUMBER |

DATE MAILED:

05/22/01

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/334,327

Applicant(s)

Perkins

Examiner

Thuy Pardo

Art Unit

2171



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 26, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37 and 38 is/are allowed.
- 6) ☒ Claim(s) 1-3, 16, 17, 19-21, 34, and 35 is/are rejected.
- 7) ☒ Claim(s) 4-15, 18, 22-33, and 36 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

1. Applicant's Amendment filed on February 26, 2001 in response to Examiner's Office Action has been reviewed. Claims 37 and 38 have been added.
2. Claims 1-38 are presented for examination.

New Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 16-17, 19-21, and 34-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Culliss** patent no. 6,014,665, in view of **Chislenko et al.** (Chislenko) patent no. 6,041,311.

5. As to claim 1, Culliss teaches the invention substantially as claimed, comprising:

implementing a particular user query [col. 4, lines 10-25; ab];

calculating the relevancy of a resource based on the particular query [A1 and A3 are associated with the matched key terms, col. 4, lines 12-30, 50 to col. 5, lines 10; ab].

However, Culliss does not explicitly teach rating, by multiple users, said calculation of relevancy of the resource and collecting said ratings from said multiple users, and incorporating said collected ratings into calculation of relevancy of the resource although it has the same functionality of querying for relevant resources in the network system. Chislenko teaches rating, by multiple users, said calculation of relevancy of the resource and collecting said ratings from said multiple users, and incorporating said collected ratings into calculation of relevancy of the resource [see the abstract; col. 2, lines 5-10]. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Chislenko to the system of Culliss as an efficient means to provide collections of ratings resources related to user's goals and interests.

6. Claim 19 is a corresponding apparatus of claim 1; therefore, it is rejected under the same rationale.

7. As to claims 2 and 20, Culliss and Chislenko teach the invention substantially as claimed. Chislenko further teaches creating multiple profiles per user and incorporating said multiple profiles per user into said calculation of relevancy of the resource [col. 3, lines 45-67].

8. As to claims 3 and 21, Culliss and Chislenko teach teaches the invention substantially as claimed. Culliss further teaches:

providing an Internet search engine to the multiple users, with said search engine performing said calculating of relevancy, said calculating based on traditional methods [search engine, col. 4, lines 13-36; col. 3, lines 44-55];

formulating, through the use of said search engine calculated relevancy, a query result list of proposed resources to visit in response to the particular query [search result list articles A1 and A3, col. 4, lines 20-35];

supplying said query result list to the multiple users [search result list articles A1 and A3 to the user 1, col. 4, lines 10-25 and the user 2, col. 8, lines 40-50];

prompting each of the multiple users to visit resources on said query result list and rate the resources visited in response to the particular query [col. 4, lines 60-64];

gathering a set of evaluations from each of the multiple users who have rated said visited resources [col. 8, lines 59-67]; and

modifying said calculation of said search engine relevancy for said visited resources particular query based on said set of evaluations [col. 10, lines 42 to col. 12, lines 39].

9. As to claims 16 and 34, Culliss and Chislenko teach the invention substantially as claimed. Culliss further teaches that implementing anti-spamming measures to prevent rogue said feedback from adversely affecting said search engine relevancy rating system [col. 12, lines 25-30].

10. As to claims 17 and 35, Culliss and Chislenko teach the invention substantially as claimed. Culliss further teaches providing a web browser modified to accept user evaluations and transmitting gathered evaluation to said search engine [col. 18, lines 18-66].

Allowable Subject Matter

11. Claims 37 and 38 are allowed.

The prior art of record fails to teach or suggest individually or in combination identifying relevant elements of the user profile record with respect to the user searches, calculating relevancy coefficient based on the record user ratings and the user profile record, and recalculating of relevancy coefficients based on the grouping of the results as set forth in claims 37 and 38.

12. Claims 4-15, 18, 22-33, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. As to claims 4 and 22, providing, to a user, a means for creating multiple profiles consisting of various demographic and psychographic data, the user is any one of the multiple users; creating, by the user, said multiple profiles; selecting one profile from said multiple profiles; and selecting one profile prior to submitting the particular query, taken together with other limitations of claims 1 and 3, or 19 and 21 were not disclosed by the prior art of record.

Claims 5-15 and 23-33 being further limiting to claims 4 and 22 are also objected to.

As to claims 18 and 36, Culliss teaches the invention substantially as claimed. Culliss further teaches providing a first web form on the search engine home page, providing a second web form on the search engine results page, and transmitting to said search engine said gathered evaluations, taken together with other limitations of claims 1 and 3, or 19 and 21 were not disclosed by the prior art of record.

14. Applicant's arguments with respect to claims 1-3, 16-17, 19-21, and 34-35 have been considered but are moot in view of the new ground(s) of rejection.

15. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black, can be reached at (703) 305-9707. The fax phone number for this Group is (703) 308-6306.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

17. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.,
Sixth Floor (Receptionist).



Thuy Pardo
May 16, 2001



WAYNE AMSBURY
PRIMARY PATENT EXAMINER